

U4 Expert Answer



Afghanistan: Corruption as a driver of conflict

Query

Please provide a short analysis of the issue of corruption in Afghanistan. We are particularly interested in corruption as a driver of conflict in the country, and whether anti-corruption efforts have had any effect? Is there any evidence that corruption operates as a source of stability?

Purpose

To support the work of the enquirer.

Content

1. The links between conflict and corruption in Afghanistan
2. Corruption as a driver of conflict
3. Governance structure and anti-corruption efforts in Afghanistan
4. References

Note

This answer draws on a 2013 Helpdesk answer: [Overview of corruption and anti-corruption in Afghanistan](#).

Summary

Afghanistan faces major governance and corruption challenges that threaten the country's state-building process and security, undermining

the government's legitimacy, stability and rule of law. The country suffers from serious organised crime, a weak public administration and financial management systems that are inadequate for dealing with the large amounts of international aid that flow into the country. Corruption permeates most government sectors and institutions, having a particular impact on the judiciary at the local and regional levels.

Corruption exacerbates the conflict within Afghanistan by eroding trust in the central government's ability to provide basic services, and critically weakens the institutions that are intended to provide security. It also fosters the illicit drug trade in the country. In doing so, it drives Afghan citizens into the sphere of influence of the Taliban, who take advantage of the situation by providing alternative services and offering security.

Afghanistan no longer appears to have a dedicated anti-corruption plan, and recent reforms have made insufficient progress in tackling the issue of corruption in the country.

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U4 is a resource centre for development practitioners who wish to effectively address corruption challenges in their work. Expert Answers are produced by the U4 Helpdesk – operated by Transparency International – as quick responses to operational and policy questions from U4 Partner Agency staff.

1. The links between conflict and corruption in Afghanistan

Introduction

The concepts of corruption, conflict and fragility are closely intertwined. Conflict-affected or post-conflict countries such as Afghanistan tend to be amongst the most corrupt countries in the world. Conversely, countries with good governance have a 30 to 45 per cent lower risk of civil war (World Bank, 2011). Despite a broad consensus in the literature that corruption and conflict are linked, the direction of the causality continues to be debated.

The correlation between conflict and corruption is reflected by Afghanistan's consistently poor scores in Transparency International's Corruption Perceptions Index. In 2014, the country ranked 172nd out of the 175 countries and territories assessed, with a score of 12, on a scale from 0 (highly corrupt) to 100 (very clean). Next to North Korea, Afghanistan is the worst performer in the Asia Pacific region.

Afghanistan is still recovering from years of civil war. The war with the Taliban, ongoing since they were removed from power in 2001, is currently at an impasse, and attempts to reconcile the government and the Taliban leadership have so far reached only stalemate (Bertelsmann Transformation Index, 2014). In 2014, presidential elections represented the first peaceful transfer of power in the country's history (Carter, 2014). 2014 also witnessed the formal handover of security from NATO forces to the Afghan National Security Forces – upon which more than half of the total international aid since 2001 has been spent – although a limited NATO presence will remain in a training capacity (Craig 2014, Dogan 2014). Nevertheless the security situation remains precarious and the country still faces major conflict challenges, with the Taliban remaining entrenched in certain regions and the new threat posed by the Islamic State of Iraq and Syria, which is attempting to establish themselves in the country (Felbab-Brown, 2015).

Post-conflict environment as a driver of corruption in Afghanistan

Corruption underlies many of Afghanistan's problems. It pervades the system of political appointments, hampers legitimate economic development and shifts economic activity into

illegal and harmful areas such as drug trafficking (Pyman, 2015).

The causes of corruption in Afghanistan are numerous and complex. Conflict creates an environment for the development and increase of corruption issues that were not previously present. The conflict in Afghanistan has undermined the intended and effective functioning of local and national government institutions, facilitated the creation and expansion of illicit trade and drug trafficking networks as a means to further finance conflict, and has attracted large influxes of international donor aid for reconstruction efforts. This in turn has created conditions in which corruption has proliferated and become entrenched within the system.

Devastation/near collapse of public administration

Conflict has had a devastating impact on the country's legal and institutional frameworks, resulting in the collapse of physical, economic, and government infrastructure across the country. This conflict has undermined institutions, weakened governance frameworks and stymied accountability. If the judiciary and law enforcement agencies – which can be used to clamp down on opportunities for corruption – are weak, understaffed and inefficient, it becomes virtually impossible to punish perpetrators of corruption and both public officials and insurgent organisations can act with impunity. In Afghanistan, police, prosecuting bodies and the judiciary are weakened in a way that creates favourable conditions for the spread of corruption (Bolongaita, 2005). In addition, there is a lack of security for prosecutors in the judiciary who work on corruption cases, to the extent that five former chief prosecutors resigned within a one-year period due to security concerns (Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC), 2015). Indeed, in 2013 the Taliban claimed the responsibility for a car bomb attack at the Supreme Court, killing 17 civilians (US DOS, 2013). This has led to a number of judges refusing to serve in insecure areas of the country (Sedat, 2015).

The extended conflict has had a devastating impact on the institutional and human capacity of the civil service. In an attempt to offer immediate relief, international aid donors have provided well-trained foreign staff in order to assist and increase the capacity of the Afghan civil service. However, international assistance has so far largely

substituted for, rather than built, civil service capacity in the country (World Bank, 2012b).

In addition, public servants earn less than a living wage and are sometimes not paid at all or with long delays (Shalizi, 2014). Public servants resort to corruption as a coping strategy to compensate for these low wages. Indeed, 68 per cent of Afghan citizens in 2012 considered it acceptable that a civil servant should top up a low salary by accepting bribes for services (UNODC, 2012). Low salaries also mean that government institutions are unable to attract or motivate skilled civil servants. Hence the country's most skilled employees are not found in the civil service, which has the potential to increase inefficiency and promote inadequate workers.

Large influx of foreign aid

Opportunities and scope for corruption are also enhanced by the high levels of aid that post-conflict countries often attract. This financial support generates ample opportunities for rent extraction by corrupt officials. (Cordesman, 2012, Carter J., 2013).

Afghanistan is heavily reliant on foreign aid; it accounts for around 57 per cent of the government's budget (Bertelsmann Transformation Index, 2014).

Pressure to achieve rapid results puts donors under pressure to spend money quickly (US Senate Committee on Foreign Relations, 2011) without first establishing adequate anti-corruption, transparency and accountability controls. Indeed the World Bank states that aid has weakened governance and brought a series of problems, including corruption and a fragmented and parallel delivery system, both of which are used to circumvent the government's weak capacity to effectively handle the amount of aid flowing into the country (World Bank, 2012b).

Aid inflows have become a source of rents, patronage and political power in more insecure and conflict-affected areas, sometimes even increasing conflict and social divisions (World Bank, 2012b).

A report commissioned by the US military noted that the initial levels of aid spending overwhelmed the capacity of the Afghan government to manage the influx of aid, and that this in turn created fertile ground for the corruption which went on to plague the country in the following years (JCOA, 2014).

In recognition of the issues that aid creates in relation to corruption, donors, including the UK's Department for International Development (DfID), have implemented anti-corruption plans for their aid work in Afghanistan. The DfID plan includes provisions to avoid potential rent extraction by corrupt officials by channelling funds through accountable independent organisations rather than direct budgetary support, which is much less accountable and provides ample opportunity for government officials to steal money (DfID, 2013). However, DfID's approach has been criticised as insufficient given the corruption challenges that it faces. An independent review of DfID's anti-corruption policy rated it as "Amber-Red", meaning that the programme performs relatively poorly in criteria relating to effectiveness and value for money, and that significant improvement needs to be made (ICAI, 2014).

Development of drug trafficking and illicit networks

Drug trafficking and illicit trade networks can be used by criminal warlords to fuel and fund conflict. Corruption is also used to facilitate such operations. Organised criminal groups employ violence and corruption to maintain their networks, and systematically take advantage of institutional and legal weaknesses in order to sustain themselves (Shaw, 2006). In addition, organised groups can use the funds they generate to take control of certain parts of the country and impose their governing mandate by illegitimate and illicit force, often using different types of corruption – vote buying, patronage and the capture of state institutions (Dix, Hussmann & Walton 2012).

Drug trafficking in Afghanistan is a highly lucrative business that has relied heavily on corruption to operate (Brown & Blankenship, 2013). Afghanistan is the world's largest producer of opium (contributing around 90 per cent of the world's supply since 2002) and also leads on production of cannabis (Brown & Blankenship, 2013). Almost all circles and factions in Afghanistan are involved in the drugs business, including the Taliban and government ministries (Osman, 2015). The trade in opium is a highly lucrative market and income from its production in 2011 was estimated to be around US\$1.4 billion, equivalent to 9 per cent of Afghanistan's GDP. This immense profitability enables organised groups to finance their operations and further their anti-government agenda (Cornell, 2007).

The link between war, illicit activities and corruption in Afghanistan has become progressively stronger over the long periods of conflict in the country, in a cyclical relationship with the weak influence of the central government over the border regions of the country. Weak administrative power enables illicit activities that are facilitated by corruption, which in turn fund continued conflict and weaken the government's grip on power (Shaw, 2006).

The illegal drug industry has also become a vehicle for accumulating political power, with complex webs of patronage and nepotism that offer state protection to the criminal drug trafficking. In extreme instances it has led to cases of state capture, where entire local and national government agencies have been used to support the drugs trade (Goodhand, 2008). Removing such institutions from the control of the government increases the divisions and fractured nature of society and lays the foundation for future potential conflict.

Similarly, in the fragile post-conflict environment where the central government struggles to establish the rule of law in provincial areas, illegal cross-border trade into Iran and Pakistan is widespread, incredibly lucrative and a driver of corruption. This includes the trade of illegal weapons and human trafficking, and is often facilitated by corruption in border control units (Aikins, 2008; Boedeker, 2012). Indeed, there are even reports of police vehicles being used to smuggle both weapons and drugs across borders (GIIDS, 2012). The trade of arms is also often overseen by powerful warlords and militias who have been able to profit from the ongoing conflict by stockpiling weapons from previous conflicts in the region. The trade of weapons and the drugs trade are intrinsically linked, with opium changing hands in exchange for weaponry and other technical combat gear (UNODC, 2009).

2. Corruption as a driver of conflict

While the post-conflict context creates favourable conditions for corruption to flourish, corruption is also considered to be an important driver of conflict in Afghanistan (Chayes, 2015). As already mentioned, many conflict-afflicted countries are among those perceived to be the most corrupt (Le Billon, 2008). Significantly, in the more insecure provinces and where the Taliban's influence is greatest, Afghan citizens believe that corruption in

the country is facilitating the expansion of the Taliban (Integrity Watch Afghanistan 2014).

Corruption undermines effective delivery of public services

Corruption can fuel conflict by depriving citizens' access to basic services. It can undermine the quality and quantity of available public services as money that is intended to benefit citizens is channelled into the pockets of corrupt officials and illegal warlords. This in turn fuels distrust in the ability of the government and aid organisations to perform their duties, and can contribute towards pushing citizens into the arms of insurgent or anti-governmental groups (Carter, 2013).

By depriving the state of resources and by misallocating them, corruption weakens the ability of the state to provide key public services, including basic administrative structures, therefore driving citizens towards the protection and services offered by insurgent groups (Pyman et al, 2014).

In Afghanistan the Taliban has been able to take advantage of and compensate for the lack of available public services by substituting themselves for the government. This creates division between citizens and increases support for an insurgent group that threatens the stability of the state as a whole. Where security forces are weak, the Taliban offers security to citizens. It also provides the courts and judges that the central government cannot provide, in some cases providing mobile courts that are able to reach villages that are currently outside of the Taliban's zones of influence (Ahmed, 2015). Indeed, it is estimated that by the end of 2012 Taliban courts covered jurisdictions in over 150 districts, and that more than 50 per cent of Afghan citizens had used Taliban court systems as opposed to those offered by the government (Bertelsmann Transformation Index 2014; Forbes, 2013). This has a destabilising effect on the country, as citizens turn away from the inept government structures and into the arms of the Taliban, fostering support for an alternative government and therefore increasing the risk of insecurity.

Corruption exacerbates social inequalities

To be effective at countering security issues, institutions should make all ethnic, religious and social groups feel equally served by the actions of the state (World Bank, 2011). In fractionalised societies such as Afghanistan, corruption in the

form of patronage networks can exacerbate inequalities among social groups and political factions, fuelling tensions and the risk of social unrest. Corrupt politicians can abuse their positions to direct aid money and services towards members of their own community, to the detriment of others. In Afghanistan, the large flow of aid to local government institutions has created opportunities for many corrupt local officials to extract rent to benefit themselves and their interest groups (World Bank, 2012b). This has also been seen in the police force, which has regularly been accused of discriminating along tribal and ethnic lines, thus raising tensions between such groups (Centre for Security and Governance, 2014).

Corruption undermines the rule of law

Security forces

Strong policing and defence capacities give states the power to overcome armed threats from rebel or organised criminal groups. The knowledge that a country's security forces are limited or weak may embolden insurgents to use violence in the pursuit of their aims. Corruption can take the form of permeation of national security forces by criminal gangs, which results in the state's inability to provide proper security for its citizens. Corruption also facilitates criminality and violence by compromising the conduct and independence of the security forces, as well as by recycling former combatants into the private militias of corrupt politicians or organised crime (Le Billon, 2008).

In a context such as Afghanistan, this can drive people to seek protection from warlords or other armed rivals of the state, thereby increasing fragility and the risk of conflict.

The primary peace-keeping bodies are the Afghan National Army and the Afghan National Police, which together comprise of around 352,000 personnel, requiring a budget of approximately US\$6 billion (Dogan, 2014). Despite the previously noted level of aid that security forces have received, corruption still abounds (Centre for Security and Governance, 2014). In 2013, for example, an audit report of the Special Inspector General for Afghanistan Reconstruction (SIGAR) found incomplete tracking information for more than 200,000 weapons that the US Department of Defence had provided to the Afghan National

Security Forces, and consequently the weapons could not be accounted for (SIGAR, 2014).

Corruption in the security forces severely impairs their ability to counter the Taliban, and has often led to poorly organised and coordinated strategies that are easily overcome by Taliban forces. In one case in the town of Wanat Waygal, a combination of nepotistic appointments, salary embezzlement and ghost soldiers – that is, soldiers who are officially on the pay roll but do not exist in reality – led to the Taliban easily storming the town and destroying the Afghan government's presence there (Foschini, 2015).

Law enforcement

Strong and effective law enforcement agencies, such as a police force, can be crucial in reducing violence and countering corruption. States require police in order to respond efficiently and effectively to violence, and police need to be well trained in order to do so (World Bank, 2011). Corruption within police forces is a particular problem in countries with security issues, because if the police are seen as corrupt this contributes to an erosion of trust and damages the legitimacy of both the police and the state (Bayley & Perito, 2011). Corrupt police officials can also provide the necessary conditions for extremist organisations to thrive, by being open to receiving bribes and therefore not enforcing rules which may promote security (Carnegie Endowment for International Peace, 2014).

In Afghanistan, the Afghan National Police (ANP) are notorious for perpetrating a number of crimes around the country, and for their corrupt practices. The ANP has a reputation for ethnic discrimination and appointments based on patronage and nepotism rather than merit, as well as involvement in drug trafficking (Bayley & Perito, 2011; Felbab-Brown, 2012). According to Transparency International's *Global Corruption Report* (2013), 33 per cent of those interviewed rated the police as corrupt or highly corrupt, and 51 per cent of people reported having paid a bribe to the police force in 2012.

The Afghan Border Police, who are tasked with securing the borders of Afghanistan against illegal entry of persons and the smuggling of illegal goods, are also a source of corruption and conflict. The border police number around 14,000 personnel, but are widely considered to be ineffective in their role. Indeed, the border police are widely considered to play an active role in

facilitating the illegal drug trade that travels across Afghanistan's borders (Aikins, 2009; GIIDS, 2012). These porous borders have also more recently facilitated the spread of the insurgent group Islamic State into the south of the country from northern Pakistan (Osman, 2015).

Inequalities and internal tensions in Afghanistan are also fuelled by the police, who frequently discriminate on the basis of tribe and ethnicity. This causes both division and resentment towards the Afghan regime whilst at the same time damaging cohesion within the army (Centre for Security and Governance, 2014).

Judiciary

The strength of the rule of law and the judiciary, encompassing the strengthening of legitimate institutions and governance, is key to providing security and justice and helps to break cycles of violence in fragile countries (World Bank, 2011). Corruption in the judiciary directly contributes to weak law enforcement, which is considered one of the main problems in the country. This leads to impunity among public officials and warlords to further engage in corruption and enables the police to participate in drug trafficking and other corrupt activities. Corruption also reduces the legitimacy, capacity and professionalism of the judiciary, thereby decreasing the likelihood that local disputes and conflicts will be successfully resolved. This in turn causes instability and conflict within society that may push Afghan citizens towards the Taliban (Carter & Clark 2010, Bayley & Perito 2011).

The World Bank (2012b) rates the rule of law in Afghanistan as "deteriorating". Afghanistan's judicial sector is perceived to be the most corrupt institution in the country and local courts and judges are perceived to be highly corrupt (Integrity Watch Afghanistan 2014). Corruption in the judiciary erodes public confidence in the institution, and confidence is lowest in regions that also suffer from the highest levels of insecurity and conflict (Elliesie 2010).

One major reason for this is the highly complex nature of Afghanistan's legal regime, as well as the fact that people who are better-connected or have more money can often buy judgements that suit their desires (Torabi 2012). This deters ordinary citizens from turning to the state for the resolution of local conflicts, and potentially leads them to rely on the assistance of local strongmen or religious institutions including the Taliban

shadow administration, which promotes disunity amongst the Afghan people. Indeed, the Taliban have successfully been able to gain legitimacy by offering their own justice system to people in provinces where government control is weak (Carter & Clark 2010).

Administrative corruption in the justice sector is also rampant, particularly due to low salaries and a shortage of human and material resources (MEC 2015). Low salaries make it difficult to attract highly skilled staff, and increase the likelihood that prosecutors and judges will seek to receive bribes in order to supplement their base wages. Indeed, there remain some judges who do not have professional legal training, and even those judges who have been trained recently may not be capable of doing their jobs (De Lauri 2010). This also erodes the quality of the rule of law in the country, and the use of underqualified judges further damages confidence in the ability of the state to provide justice to the people. This has the potential to push more citizens to use courts set up by insurgent groups, like the Taliban.

Corruption undermines the legitimacy of institutions and the state

Corruption undermines the legitimacy of the state, erodes public trust in institutions and has a damaging impact on the institution-building process (OECD 2009). Weak government institutions permeated by corruption make a country vulnerable to violence, as the state does not have the capacity to respond effectively to conflict. This also increases the likelihood of repeated violent outbreaks. Over time, the build-up of grievances against corrupt practices in government draws more violent reactions in the form of domestic protests, fuelling instability (World Bank 2011).

Grievances and anger against ineffective and corrupt government can also be used by rebel groups to encourage uprisings against the government and to gather popular support (Pyman et al 2014).

In Afghanistan, efforts to bolster the legitimacy of the state remain of utmost importance. Attempts to create a public administration that appears outwardly to be a functioning modern bureaucracy have made progress, but the structural changes have so far failed to link the appearance of a functioning bureaucracy with increases in state capacity and legitimacy (World Bank 2012b).

However, the Afghan government has not made much progress in establishing a sufficient level of governance or implementing the rule of law in provincial areas of the country. Consequently, it has not yet won itself the lasting support or trust of the rural population, which would enable it to counter the threats posed by corruption and security issues (Bertelsmann Transformation Index 2014).

Traditionally the central government provided only very limited services to communities and areas outside of Kabul and other major cities and enjoyed limited legitimacy in provincial areas. Attempts since 2001 to extend these services to other provinces have raised expectations that the government has not been able to meet – particularly with regard to security – further damaging the reputation and legitimacy of the state and its institutions (Herbert, 2014). There are also suggestions that the Afghan state's attempts to impose central government influence on rural areas is actually a source of conflict in the country, as it disrupts historical traditions of self-government. Moreover, corruption in these sub-national institutions has also eroded any trust and support for the central government, thereby bolstering support for insurgents (Herbert, 2014).

Afghanistan has witnessed large scale scandals involving international aid donors' money being siphoned off by corrupt politicians. These include the Kabul Bank scandal, in which former parliamentarians, cabinet ministers and warlords were allegedly named in the list of recipients of fraudulent loans from the bank (The Washington Post, 2011). Such scandals only serve to weaken the trust in the Afghan government and institutions, heighten a feeling of injustice amongst citizens who are deprived of money that was intended for their benefit, and thereby create favourable conditions for conflict.

Corruption as a source of stability

There is some evidence in the literature of corruption as a factor for stability in post-conflict states generally and in Afghanistan in particular. Some authors argue that in some environments, especially where formal political institutions are weak, corrupt practices can contribute to stability in the short term. Moreover, it is argued that corruption facilitates the creation of a new political order, and that the cost of peace might outweigh the cost of corruption on the system. This short-term stability could potentially be used by the

international community as a window of temporary peace while the risk of conflict remains high. This peace time can be used to produce plans to tackle corruption and other state-building issues once the threat of conflict is reduced. Moreover, opportunities for exploiting office can potentially be used to entice armed groups into signing peace agreements, thus stabilising violent environments (Le Billon, 2008; Hussmann & Tisné, 2009; Cheng & Zaum 2011).

This understanding of corruption, however, focuses mainly on the elites in a particular society, and ignores the fact that allowing or even encouraging corruption in order to achieve stability in a country will have knock-on effects in the medium and long term. It also does not take into account the influence of the perceptions of people in the country. Increasingly, citizens are no longer prepared to tolerate systemic corruption and it is a significant driver in anti-government protests throughout the world (Hussmann & Tisné, 2009). Such protests regularly have the potential to become violent. The security implications of corruption are likely to outweigh any potential advantages (Carnegie Endowment for International Peace, 2014).

In the case of Afghanistan, it has been claimed that elite corruption has been pivotal in creating political stability and promoting developmental goals (Carnegie Endowment for International Peace, 2014). However, as described above, it has also played a large part in fuelling conflict in the country and at the same time is holding back further development of the Afghan state.

3. Governance structure and anti-corruption efforts in Afghanistan

Overview of anti-corruption efforts

The government of Afghanistan has been under significant pressure from the international community to fight corruption. Several initiatives and reforms have been undertaken, but so far the necessary progress has not been made (Bertelsmann Transformation Index, 2014).

The government, with support from donors, has been implementing reforms in several areas that would ultimately have an impact on corruption. Among its efforts, the government adopted the 2008-2013 Afghanistan National Development Strategy. However, there do not appear to be any

studies reviewing the effectiveness of the strategy, and so far no new strategy seems to have been implemented to replace it. According to the strategy, anti-corruption efforts should focus on the following: (i) enhancing government anti-corruption commitment and leadership; (ii) raising awareness of corruption and evaluating the effectiveness of anti-corruption measures; (iii) mainstreaming anti-corruption into government reforms and national development; and (iv) strengthening the legal framework for fighting corruption, while building institutional capacity for effective implementation of the United Nations Convention against Corruption (UNCAC).

The government also endorsed the Extractive Industry Transparency Initiative (EITI) in 2009 and committed itself to work with Afghan civil society and the private sector to implement the requirements. However the initiative has so far faced challenges in relation to implementation and reporting, with issues including the paper-based system of revenue management and the lack of capacity and management standards at different levels of government (EITI, 2014).

In July 2012, former president Karzai enacted a detailed anti-corruption decree, which included provisions related to the recruitment of civil servants, procurement processes, the publication of contracts, and the operations of law enforcement agencies. The decree specified deadlines of between one and six months for government agencies to fulfil their obligations, although sanctions for failing to meet the terms of the decree were not made public (Karzai, 2012). It is unclear whether cases have been prosecuted due to failures to meet decree deadlines.

Despite the enactment of the decree, the country still lacks a proper system of checks and balances and there are still doubts about the genuine political commitment of high-ranking officials to curbing corruption (Ghanizada, 2014). In fact, the government's ability to drive the country towards good governance is very modest, as it relies heavily on clientelism and personal relationships (Bertelsmann Foundation, 2014). To illustrate this, Transparency International's Global Corruption Barometer (2013) found that a majority of Afghan citizens perceive government efforts to tackle corruption as being ineffective or having no impact on corruption at all.

There have also been some attempts at controlling drug trafficking in the country, but a

number of studies have pointed to the fact that the transition away from the presence of international security forces in the country and its economic impact could potentially trigger a major new wave of narcotics production (Cordesman, 2012). This indeed appears to be the case, with opium production rising 17 per cent in 2104, despite over US\$7 billion being spent in an effort to limit its production (Freedom House, 2015).

However, attempts to counter the narcotics and illegal goods trade in Afghanistan may well themselves fuel conflict, as they may have the unintended consequence of overburdening the state's already stretched law enforcement and security capacity (Goodhand, 2008). Moreover, production of drugs and the substantial associated revenue mean that the drug trafficking regime is also a means of survival for many Afghan citizens (Brown & Blankenship, 2013). This provides another barrier to countering the issue, as anti-narcotic efforts are potentially seen as having a direct and negative short-term effect on the populace, which would also fuel anger and provide support for insurgent forces.

Nevertheless, there have been improvements in tax revenue collection, health and education in the past years which has helped reduce opportunities for corruption (Bertelsmann Transformation Index, 2014).

What's more, in 2015 both presidential candidates included promises to implement anti-corruption reform. After the vote, newly elected President Ashraf Ghani further highlighted his anti-corruption credentials and even called on the judiciary to prosecute himself and his family if they are found to be involved in corruption (Carter, 2014). Ghani has also made clear his commitment to anti-corruption by re-opening the fraud investigations surrounding the Kabul Bank case, in which a reported US\$935 million of international donor aid was stolen by corrupt officials (BBC, 2014).

Legal framework

International conventions

In 2013, Afghanistan endorsed the anti-corruption initiative organised by the Asian Development Bank and the Organisation for Economic Co-operation and Development. This initiative defines a series of objectives for countries working to develop sustainable legal and institutional

frameworks to tackle corruption, and consists of three pillars:

- To develop systems to ensure the integrity of the public service;
- To strengthen anti-bribery actions and take effective measures to actively combat bribery;
- To take effective measures to encourage public discussion on the issue of corruption.

Afghanistan ratified the United Nations Convention against Corruption (UNCAC) in 2007. It is also part of the United Nations Convention against Transnational Organized Crime.

National legislation

The Afghan penal code criminalises active and passive bribery and states that corruption is a serious criminal act (Republic of Afghanistan, 1976).

The Constitution (Article 154) establishes that the president, vice-president, ministers, the attorney general and judges have to declare their assets. Article 12, item two of the laws on combating corruption extends this obligation to deputy ministers, directors, members of the national assembly, provincial and district councils, members of independent commissions and bodies, governors, military and police officers, prosecutors, procurement officials and auditors, as well as all high-ranking civil servants. Assets and incomes of officials' spouses, children and dependants also have to be declared. The [High Office of Oversight and Anti-Corruption \(HOOA\)](#) states that information on personal and business assets, bonds, shares, stocks, sources of income, and positions held in for-profit or non-profit entities should be included in asset declarations. This means a very large number of people (more than 1,000) must declare their assets, which certainly poses resource and capacity challenges to effective implementation and oversight (HOOA, 2009).

According to the Regulation on Campaign Finance Disclosure Law 2009 and the Political Parties Law, donations from legal entities and individuals to both political parties and individual candidates are restricted to an imposed upper limit. Candidates can also rely on public subsidies during elections, and are also required to report on their campaign expenditures to the Electoral

Commission, which in turn should make these reports available to the public (International IDEA, 2012).

In December 2014, President Ghani signed into law a new Access to Information Law, marking the first time that citizens and journalists are legally able to get access to information via state institutions (Asmatyari, 2015). However, the law was regarded poorly by anti-corruption groups who criticised the complaints mechanism in particular.

Institutional framework

There are several institutions in the country tasked with investigating wrongdoings and fighting corruption. Many have overlapping mandates, which makes for an anti-corruption strategy that lacks cohesion. What's more, many of these institutions seem to lack the necessary political will and/or suffer from political influence, rendering them unable to effectively perform their duties.

High Office of Oversight and Anti-Corruption

The HOOA is responsible for overseeing and coordinating the country's anti-corruption efforts. It also has a dedicated unit for overseeing asset declarations. The HOOA replaced the former leading agency against corruption, the General Independent Administration of Corruption, in 2008.

Some observers argue that the new office inherited many of the structural problems of its predecessor, including a shortage of qualified personnel and a lack of political will to fight corruption (Mohseni). The Bertelsmann Foundation (2014) also claims that the HOOA has not performed adequately, and that while transparency and accountability are the government's desired objectives, the office does not have the political will necessary to prosecute members of the political elite.

Moreover, the HOOA is viewed poorly by the general public: only around 25 per cent of people have general confidence in its capabilities. Interestingly, the HOOA is also seen as ineffective by MPs who have previously attempted to dissolve it, although this motion was defeated (Zaheer, 2014).

The HOOA also runs a complaints hotline that citizens can use to report instances of corruption. Complaints can be made using a telephone

hotline, email or an online form, and through face-to-face interviews. Complaints can also be made anonymously (CIMIC, 2012).

Attorney General's Office

The [Attorney General's Office](#) is responsible for monitoring, investigating and prosecuting corruption through a special anti-corruption unit created in 2006.

However, the office is not particularly effective in terms of charging individuals involved in corruption. Some departments do not appear to have any specific tasks or mandates, whilst others suffer from heavy workloads. There is also a great deal of overlap and duplication of effort amongst the departments of the Attorney General's Office. Three departments in particular (The Audit Department, The Check and Control Department and the Monitoring of Law Implementation Department) all have mandates that could be streamlined into one department to increase effectiveness (MEC, 2015).

According to a study conducted by the International Crisis Group, prosecutors have also been known to accept bribes for not pressing charges or not appealing court decisions (International Crisis Group, 2010).

The Presidential Decree 45 aims to enhance the integrity and effectiveness of prosecutions by creating a surveillance department to monitor the activities of prosecutors. In addition, the Attorney General's Office is expected to identify instances of wrongdoing and report them to the President's Office. Yet, according to MEC's assessment, the implementation of these measures is rather inadequate (MEC, 2013).

Hundreds of cases have reportedly been submitted to the Attorney General's Office, although the vast majority of these have never been prosecuted (MEC, 2015).

Anti-corruption efforts in the judiciary

There have been a number of attempts to reform the judiciary, with efforts made to increase the training levels of judges and administrative staff and to simplify proceedings. However these efforts have not resulted in remarkable change (Bertelsmann Transformation Index, 2014).

One of the articles of the Presidential Decree 45 requires the Supreme Court to reduce the backlog of cases, particularly of those related to corruption. The Supreme Court identified more than 17,000 open cases, of which 475 were corruption cases (MEC 2013). According to MEC's assessment, eight months after the enactment of the decree, the Supreme Court had managed to reduce the number of open cases to 10,000. However the effective processing of cases is being hampered by political influences. For instance, in cases of illegal land seizure, which is considered a serious problem in the country, the alleged offenders often belong to the land mafia or are government officials (or are related to them) (MEC, 2013).

The judiciary is also affected by undue influence exerted by many local actors. This is such a serious issue that the government's own strategy and policy for anti-corruption reform specifically noted the influence of actors (including those within the judicial system as well as government actors) who do not formally have the right to be involved in court cases. Reforms to prevent their involvement were proposed in 2013, although there is no indication that this has improved the situation (HOOA, 2013).

Nevertheless, in 2013 there was an increase in the number of judges graduating from law schools, including universities and sharia institutions, and access to legal codes increased (US DOS, 2013). In an attempt to further fix the issue of corruption in the judiciary, President Ghani proclaimed an array of judicial reforms. This led to around 200 judges and 600 court employees losing their jobs on allegations of corruption in October 2014 (Freedom House, 2015).

Office of Administrative Affairs

The Office of Administrative Affairs (OAA) is responsible for monitoring the implementation of the Presidential Decree 45. However, the OAA has already indicated that it lacks the capacity to verify the accuracy of the reports submitted. Moreover, it has stated that due to security reasons it is not able to evaluate the implementation of the decree in remote areas. To date, the reports submitted to the OAA by ministries and government agencies, and the subsequent evaluation assessments, are not available to the public (MEC, 2013).

Monitoring and Evaluation Committee

In 2011, the Independent Joint Anti-Corruption Monitoring and Evaluation Committee (MEC) was established as part of an agreement between the Afghan government and the international community regarding the fight against corruption. The MEC, which is composed of Afghans and members of the international community, is responsible for developing clear and objective benchmarks for measuring progress in the fight against corruption, as well as preparing periodic reports on national and international activity.

In February 2015, the MEC released an assessment of corruption case processing in Afghanistan's judiciary to establish its level of vulnerability to corruption. The report included a number of recommendations and noted that good progress was being made (MEC, 2015).

The MEC also conducted an independent evaluation of the implementation of the Presidential Decree 45. The commission, however, underscores several challenges in conducting this assessment, particularly due to a lack of cooperation of the HOO and the OAA. 38 of the 164 articles that make up Presidential Decree 45 were monitored. The report noted mixed results, with progress in some initiatives but a lack of progress in others. Overall, 31 of the articles (82 per cent) monitored had been either implemented or partially implemented (MEC, 2013).

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